

1 that?

2 A. There was a conversation that Dr. Carter
3 had with a person not associated with
4 the school district that related to my
5 teaching at Southlawn, that later
6 provided me with the premise that he's
7 discussing you with other people and he
8 has a problem with you.

9 Q. And he was talking to this person about
10 your teaching at Southlawn?

11 A. He was talking to this individual about
12 the incident that happened, and that he
13 didn't blame me, he would have slapped
14 the shit out of that child, too. Which
15 I was highly outraged, because I did not
16 hit the child. And I resent the fact
17 that it was communicated outside of the
18 central office to other individuals who
19 could or could not have been
20 impressionable at that time towards me.

21 Q. Who did he tell that to?

22 A. Mr. Bill Mann (phonetic), who's a
23 salesperson at Buckelew's Clothing for

1 Men.

2 Q. Okay. But has anybody relayed any
3 conversations where he talked about your
4 mother's past grievances or your
5 lawsuits? I guess you hadn't filed one
6 at the time he was there --

7 A. No.

8 Q. -- so let's focus on your mother. Okay.

9 All right. I mean, when your
10 mother went in to talk to him, what did
11 your mother tell you that Dr. Carter
12 said?

13 A. Mother told me they had a conversation
14 about their children and how you want
15 the best for your children. And Mom
16 talked to him about how hard that her
17 and my father worked to educate us, my
18 brother and I, and things of that nature
19 and that there's a lot of maturity that
20 has taken place with Melvin. There's a
21 lot more maturity to take place. And I
22 just need you, if you will, to consider
23 allowing him to be rehired. And the

1 conversation, her meeting, her
2 conference with him, it wasn't even an
3 hour. It was not even an hour. She
4 said it was very, you know, polite, and
5 it was -- she said when she left and
6 she -- we talked. We were both under
7 the assumption that, you know, if what
8 Barker said was true about he can get
9 you hired in an hour or a couple of
10 hours, you know, you're getting ready to
11 come back to Montgomery County.

12 Q. So did you feel like at that point that
13 Dr. Carter did a favor for you or did
14 something to help you out? He certainly
15 could have said no, correct?

16 A. I want to go on the Record and say, when
17 you're doing what's right and what's
18 fair and what you do to all employees, a
19 favor shouldn't have anything to do with
20 it. If allowing me to be rehired was a
21 practice that you followed with all
22 employees, wonderful. But if it was a
23 special consideration you were having to

1 give to me for whatever reason, I don't
2 see where I should consider that as a
3 favor. We can count it as a
4 professional courtesy, but I won't go on
5 Record and say it was a favor.

6 Q. Okay. That's fair enough, Mr. Lowe.

7 A. Thank you.

8 Q. Let's clarify this for the Record: I
9 understand that you deny that you hit a
10 child at Southlawn, but it's true, is it
11 not, that those allegation were made
12 against you, and that was not the first
13 time that a student had complained about
14 your treatment of them?

15 A. Now, that is not true.

16 Q. Okay. So you would say that was the
17 first time?

18 A. The first time I ever had a complaint,
19 written or oral, that a child alleged
20 that I hit he or she or it was this
21 Southlawn incident. I have never been
22 reprimanded by a principal, a site
23 administrator, or a central office

1 administrator of any misconduct,
2 verbally or physically, towards a child.

3 Q. When you were at Daisy Lawrence the
4 first time, was there ever an incident
5 where you were accused of paddling
6 children without permission?

7 A. No.

8 Q. Okay.

9 A. And may I go on Record to finish
10 answering your question. I said no,
11 because I never from Ms. Jeter or a
12 central office person or any other
13 person in authority or capacity ever
14 chastened me, because I never did such
15 without the sanctions of a parent and/or
16 an administrator, never.

17 Q. So if someone said that there was an
18 issue with you paddling children without
19 permission at Daisy Lawrence, you would
20 just say that's not true?

21 A. They never -- it was never communicated
22 to me, yes, ma'am. No, so that's not
23 true.

1 Q. Okay. What about at Fitzpatrick, were
2 you ever accused of an incident
3 regarding physically handling a child or
4 being overly physical with a child?

5 A. No. And I can elaborate on the
6 Fitzpatrick situation. There was a
7 situation when I physically removed a
8 child from a seat in the lunchroom. And
9 Ms. Thompson never reprimanded me,
10 because she was present when I moved the
11 child. I picked the child up and moved
12 the child. And I went to her and told
13 her what happened and the reason I moved
14 him. And I even phoned the parents, the
15 father and informed him of what I did
16 and why I did it. No, there was never
17 any reprimand, verbally or written, that
18 I inappropriately handled a child.

19 Q. And I wasn't asking if you were
20 reprimanded, I was just trying to --

21 A. Yes, ma'am.

22 Q. So if there was -- if there is any kind
23 of information regarding the handling of

1 a child at Fitzpatrick, you would know
2 what they were referring to, but you
3 would just disagree that you handled the
4 situation inappropriately?

5 A. I know exactly.

6 Q. What they're referring to?

7 A. What they're referring to.

8 Q. Okay. So when you went your third year
9 to Southlawn, and if you'll look at the
10 documents that are marked as Defense
11 Exhibit 3 and glance over those, I
12 believe that these are the documents
13 that refer to the incident that we've
14 been referring to?

15 (Whereupon Defendants'
16 Exhibit No. 3 was marked
17 for identification and
18 attached hereto.)

19 (Witness reviewed
20 documents.)

21 A. Yes.

22 Q. I guess my question to you is that
23 regardless of what your position is as

1 to whether or not that you acted
2 inappropriately, it's certainly
3 undisputed that a child said you did,
4 and there was an investigation, and you
5 were actually suspended as a result of
6 it, correct?

7 A. Yes. With pay, yes.

8 Q. Okay. And the year that you were
9 nonrenewed followed this Southlawn year?

10 A. Yes, it did.

11 Q. Okay. And you were then told that you
12 needed to apologize or made amends with
13 Dr. Carter to get a job back with the
14 school system, and your mother went on
15 your behalf to speak with him, and after
16 that conference, you were eventually
17 hired back in the Fall of 2003; is that
18 correct?

19 A. I need to answer that in detail.

20 Q. Okay.

21 A. With those charges that took place at
22 Southlawn, those are charges that when
23 you read what Mr. Barker scribed, they

1 were unfounded. And I was found, not
2 only by the investigation of the school
3 board, but the City of Montgomery found
4 me not guilty and dismissed those
5 charges. And I was placed back in my
6 position as a teacher, not only at the
7 request of the central office, but the
8 principal requested that I return.

9 Q. But -- I'm sorry. Go ahead. I
10 apologize.

11 A. At the end of the year, that school
12 term, the nonrenewal came from
13 central -- well, all of them are
14 generated out of the central office, but
15 Ms. Tina Minott did not issue one for
16 me. My termination letter came the day
17 after all of the other teachers'
18 termination letters came. And she
19 admitted to me on several -- on more
20 than one occasion, Melvin, I didn't do
21 this.

22 Even after I got the
23 nonrenewal and I applied following the

1 procedures to be rehired at Southlawn
2 Middle, she then again cried on my
3 shoulder. And she said, Melvin, they
4 won't let me rehire you.

5 Ms. Minott wrote me letters of
6 recommendation for other school
7 districts to attain employment. I then
8 went to Bullock County, because I had no
9 other choice. I was forced. I couldn't
10 gain employment in Montgomery County.

11 And when I returned to
12 Montgomery County, it was a year and
13 some months after I was retaliated
14 against and also discriminated against
15 with the nonrenewal, the pink slip. My
16 mother spoke to Dr. Carter on my behalf,
17 because he would not meet with us
18 together.

19 Q. Why didn't you meet with him by
20 yourself?

21 A. Well, when we initially asked for a
22 conference and he said that he wouldn't
23 meet with us together, Mother was then

1 the first person they offered a
2 conference to. And then after Mother
3 met with him, I was never extended a
4 conference.

5 Q. Is it fair to say that during your
6 career with Montgomery public schools,
7 that your Mother often made
8 communications with people for you or on
9 your behalf or with you?

10 A. My Mother does or did and will do what
11 any other mother would do. She
12 communicated with persons with reference
13 to me, my brother, for whatever reason
14 needed.

15 Q. Let's look at this real quick, because I
16 want to clarify something.

17 A. Okay.

18 Q. This letter actually says that the
19 findings were inconclusive as to Count
20 I. That Count II was verified, which is
21 where you were accused of using
22 profanity and demeaning language in
23 addressing students. And I'm not asking

1 you to say you did that.

2 A. Yes.

3 Q. But that the conclusions of the
4 investigation says that it found you did
5 that, and that you were suspended for
6 five days. And these documents reflect
7 that you signed an agreement that as
8 part of your punishment, there was going
9 to be this letter of reprimand in your
10 file and a five-day suspension?

11 A. Yes, ma'am.

12 Q. And so, I mean, do you disagree with
13 that's what the resolution of this was?
14 I mean, you're saying that you were
15 found clear and put back to work. I
16 didn't see any documentation where this
17 was undone or changed. It appears to me
18 that you were given a letter of
19 reprimand and a five-day suspension for
20 your conduct in that incident.

21 A. To answer that, you can't unchange the
22 charges. The charges are -- I mean,
23 it's documented with the city that the

1 charges were thrown out of city court.
2 That merely suggests that an
3 investigation -- in my terminology, was
4 suggesting that an investigation was
5 done, and that on two of the charges, we
6 were inconclusive. That's a nice way of
7 saying, we think you did it, but we
8 can't prove you did it. The last charge
9 is saying that we feel that you did it,
10 and we have evidence or we have some
11 tangible documentation that you did do
12 it. The only thing, me signing that, is
13 agreeing to that going into my personnel
14 folder and accepting the five-day
15 suspension. I did not admit to any of
16 that.

17 Q. Do you disagree that there were
18 witnesses that said you acted like that
19 towards the children?

20 A. I still disagree.

21 Q. Okay. So you just believe that those
22 witnesses gave false information?

23 A. The witnesses -- because an -- the

1 initial investigation was conducted --
2 it was conducted by Ms. Tina Minott.
3 And she communicated to me, Melvin, I
4 think you will be back to work the next
5 week. Then when that investigation did
6 not satisfy Mr. Carter, he then had
7 Mr. Barker to reinvestigate, which was
8 where you had conflicting stories with
9 the students.

10 Q. Do you agree that as the superintendent,
11 that he would be -- that he would take
12 allegations like this very seriously and
13 that he would make sure there was a
14 thorough investigation? Do you disagree
15 with how he handled that?

16 A. I disagree. And being that I'm also
17 certified in administration and I know
18 policy and procedure, I disagree with --
19 if you have your competent administrator
20 that you appointed and placed in the
21 school as the instructional leader, and
22 you ask -- that person provided you with
23 an investigation, it just appears odd

1 that you would then on the same breath
2 order another investigation. And then
3 when you order another investigation,
4 your findings are a little different on
5 two -- I mean, the same on two of the
6 charges, but a little bit different on
7 the other.

8 And I asked that, because
9 during that same incident, there was a
10 female teacher, a white female teacher
11 at Harrison Elementary School who was
12 found guilty, who admitted to slamming a
13 child's head on a desk. One
14 investigation was done by the principal,
15 and that teacher was placed on leave, as
16 I, brought back off of leave, but that
17 teacher did not receive a nonrenewal at
18 the end of the year. That teacher was
19 advised the same as I was, to admit to
20 what you did. But in my situation, I
21 was advised, Just admit to what you did.
22 And, Melvin, just let them curse you --
23 let Mr. Carter and Dr. Barker curse you

1 and yell at you and, you know, it will
2 be over with. Now, this was the advice
3 I was given --

4 Q. Did Dr. Carter and Mr. Barker curse and
5 yell at you about this?

6 A. Well, I think if they'd been given the
7 opportunity, they might. Dr. Carter --

8 Q. Okay. That's not my question.

9 A. No. No, they did not.

10 Q. Okay. Thank you.

11 A. Mr. -- may I finish? I'm sorry.

12 MR. PATTY: Were you
13 finished with
14 your . . .

15 THE WITNESS: No. I wasn't
16 finished with it.

17 Q. And go ahead. I apologize. I just
18 heard that and wanted to get a
19 clarification of --

20 A. Under the advice of the attorney that I
21 had at that time --

22 Q. Who was your attorney?

23 A. Attorney Brenton Dean.

1 Q. Okay. Go ahead.

2 MR. PATTY: Don't get into
3 what Brenton Dean's
4 told you.

5 THE WITNESS: Oh, okay.

6 MRS. CARTER: Yeah, I
7 didn't --

8 A. Okay. Well, there was --

9 Q. I've never heard of that person.

10 A. It was a similar, very similar
11 situation, an altercation with a
12 student. But the outcome, she was not
13 nonrenewed at the end of the year; I
14 was.

15 Q. Okay. So the bottom line is that you
16 just disagree with how they handled
17 that?

18 MR. PATTY: Object to the
19 form.

20 A. Yes.

21 Q. All right. Let me back up for a second
22 and get something that we don't have
23 here on the Record: After the 2003-2004

1 I did not go back into the same
2 position.

3 Q. Okay. Let me show you what I've marked
4 as Defense Exhibit 4.

5 (Whereupon Defendants'
6 Exhibit No. 4 was marked
7 for identification and
8 attached hereto.)

9 (Witness reviewed document.)

10 A. Okay. And the reason I said I did not
11 go back in the same position, I am
12 categorizing the position as far as the
13 job that I was charged or tasked,
14 T-A-S-K-E-D, to do. The first year at
15 Daisy Lawrence, I was on paper hired to
16 do one thing, but I was tasked and
17 evaluated doing something else. The
18 second year, I was tasked to do
19 something else, still in opposition to
20 what was on the contract.

21 Q. Okay. Look at Defense Exhibit 4 for me.
22 And it says there that you're being
23 placed back at the -- it says same

1 have any students to teach. The
2 prescribed curriculum for reading
3 intervention that we were to implement
4 never materialized. It never
5 manifested. There was never any full
6 implementation of the program. It was
7 communicated to me that part of your
8 punishment, Brother Lowe, is I got to
9 move you. I have to. I've got to move
10 you out of the front office, where my
11 office was. I was moved into a
12 classroom, which I set up like a
13 classroom, slash, an office. And what
14 did I do every day all day?

15 Q. I don't know.

16 A. I don't either. That is -- I mean,
17 that's just how humiliating -- the first
18 year was whatever it was, but the second
19 year was very humiliating.

20 Q. Isn't that partly because your job no
21 longer existed at the school which is
22 why they tried to -- one of the reasons
23 they tried to nonrenew you. And then

1 when they messed up your nonrenewal and
2 had to put you back at work, there,
3 quite frankly, wasn't an exact job for
4 you to go into? Wasn't that part of the
5 problem?

6 A. That could have been. It was never
7 relayed to me that way.

8 Q. Did you get paid?

9 A. I did. But I was being paid to perform
10 a particular duty. And what I thought I
11 was supposed to do was what I did the
12 previous year, which was I was the
13 reading coach.

14 When the curriculum changed, I
15 still knew what to do. I knew the
16 program, because I had implemented that
17 program the prior summer in the summer
18 program. And I made complaints to the
19 central office, the students are not
20 being serviced. And I think a lot of
21 that, my complaints to the central
22 office, we need the material, the
23 students are not being serviced, I'm not

1 going to turn this -- I'm not going to
2 lie about this assessment. You know, a
3 lot of that I feel played into some of
4 the other -- the string of retaliations.

5 Because the second year with
6 twenty-five students, we never received
7 the curriculum, the teachers were never
8 trained on the program. I was certified
9 to train them. I was never given an
10 opportunity to train them. And it
11 was -- you know, what did I do, anything
12 Dr. Owens asked me to do, but it wasn't
13 teaching and instruction. And the
14 central office was very aware of this,
15 because I communicated this to quite a
16 few people. All of the superintendents
17 knew.

18 Q. Did you ever talk to Jimmy Barker about
19 what was going on there the last year?

20 A. I talked to Mr. Jimmy Barker, Ms. Lois
21 Johnson, Mr. Mike Looney. I even
22 conferenced with Dr. Purcell.

23 Q. Daisy Lawrence is gone now, right?

1 A. The building is still there, but the
2 program that it housed --

3 Q. That's what I mean.

4 A. Yes, ma'am.

5 Q. In the summer between -- in the Summer
6 of '04, before you started that last
7 year, just to give you your bearings,
8 the summer before your last year with
9 the school system --

10 A. Gotcha.

11 Q. -- did you have any conversations with
12 Jimmy Barker or Mike Looney or Carolyn
13 Hicks or Lois Johnson, any of those
14 people, about what your placement was
15 going to be or where you were going to
16 go or what jobs you wanted to work, as
17 opposed to going back to Daisy Lawrence,
18 any of those conversations -- any
19 conversations with those people? Excuse
20 me.

21 A. Yes. May I elaborate on those
22 conversations?

23 Q. Yes, yes.

1 A. The conversations stemmed anywhere from,
2 will I be going back to Daisy Lawrence;
3 what is the outcome of some of these
4 other jobs I have applied for; what are
5 the outcomes of some of these jobs that
6 I have interviewed for. So the
7 conversations were -- yes. They were
8 very direct with specific meaning, with
9 specific concern. And they were lengthy
10 in some situations.

11 Q. Do you know on -- do you know when
12 anybody with the Montgomery public
13 school system would have learned that
14 you'd filed an EEOC charge?

15 A. The first person who mentioned it to me,
16 and it blew me out of the water that
17 this person would know about it -- my
18 mother, of course, knew. When Dr. Owens
19 mentioned to me that Mr. Barker informed
20 him of what I did -- now, Dr. Owens
21 didn't tell me when he mentioned it. He
22 said, Brother Lowe, you didn't think I
23 knew that. I was knocked out of the

1 water, because I had not mentioned that
2 under directions of AEA. That had not
3 been communicated to anyone.

4 Q. And was that during your last year of
5 teaching there?

6 A. That was that last year.

7 Q. So the first you would have known about
8 Montgomery public schools knowing, is
9 Dr. Owens telling you during your last
10 year of school there?

11 A. That he knew.

12 Q. That he knew. How many weeks or months
13 into the school year before you had that
14 conversation with him?

15 A. As you go back and look at one of those
16 documents with the e-mail I sent to
17 Dr. Purcell, it was -- the day we
18 received the pink slip notifications at
19 Daisy Lawrence, it was -- I don't want
20 to say the wrong thing. It was either
21 the day before or the day after. It was
22 right there. It was --

23 Q. So it was at the end of your last --

1 A. The end of that last year. It was
2 either the day before or the day after.
3 I would have to look back at the notes,
4 but it was right there.

5 Q. But you had actually filed something at
6 the beginning of, I guess, the Summer of
7 '04?

8 A. Those were grievances, AEA grievances, I
9 believe. They were on the PR&R form.

10 MR. PATTY: Yeah, but
11 that -- she's talking
12 about something you
13 filed with Montgomery
14 County, not something
15 you filed with AEA.

16 THE WITNESS: I would have
17 to look at the dates.

18 MR. PATTY: Yeah.

19 A. I would have to look at the dates.

20 Q. Okay. That's fine.

21 A. I'm sorry.

22 Q. Let me show you what I'll mark as
23 Defense Exhibit 5, and ask if that's a

1 to put words in your mouth -- would your
2 Complaint then not be -- it's not about
3 the nonrenewal so much as not
4 reassigning you somewhere?

5 MR. PATTY: Object to the
6 form.

7 Go ahead.

8 A. The nonrenewal was just a process. Not
9 assigning me anywhere was the action.

10 Q. Let me show you Defense Exhibit 30.

11 This seems to be an application for a
12 summer school program, what a blank
13 application looks like, and then the
14 general information on the program of
15 2005. Is part of your claim that you
16 were also discriminated against by not
17 getting the summer school job in the
18 year of 2005?

19 (Whereupon Defendants'

20 Exhibit No. 30 was marked
21 for identification and
22 attached hereto.)

23 (Witness reviewed document.)

1 A. Yes.

2 Q. Do you have any jobs in particular that
3 you allege to have not received in the
4 Summer of 2005 as a result of race or
5 sex in retaliation, and, I guess, now
6 retaliation for the lawsuit that you
7 filed, the EEOC charge lawsuit?

8 A. Yes.

9 Q. Okay. What particular jobs in the
10 summer school program do you make that
11 claim about?

12 A. In the summer school program, or in the
13 entire program? Now, summer school
14 program is one. There are four others.

15 Q. What do you mean? I'm sorry, I don't --

16 A. This was the first after the lawsuit was
17 filed and Daisy Lawrence was closed.

18 Q. Right. And that's where I want us to go
19 now --

20 A. Okay.

21 Q. -- is the grouping of jobs --

22 A. During that summer.

23 Q. Right. In each summer job and then

1 that's the problem Melvin is having.

2 So, yes. Yes, I do.

3 Q. Okay. So when you were nonrenewed and
4 you were not hired back and you went to
5 Bullock County that year, and then we
6 get into the next summer about the
7 conversations that went on with the
8 superintendent, between your mother, or
9 your conversation with Barker and
10 Johnson, it's your testimony that all of
11 that happened, in part, because of the
12 complaint against you at Southlawn, but
13 also, in part, because of your mother
14 suing the school board in the past?

15 MR. PATTY: Object to the
16 form.

17 Go ahead and
18 answer.

19 A. Yes and no. Yes, out of retaliation
20 because Mother filed a grievance against
21 the school board in years past. Not for
22 what happened at Southlawn, because what
23 happened at Southlawn, I was vindicated.

1 I was not found guilty. I was targeted
2 because of my disposition that I took
3 with Mr. Barker, one of the
4 investigators, one of the lawyers that I
5 had at that time. And Mr. Carter did
6 not agree with my position. I did not
7 admit to doing what I knew I did not do.

8 Q. Well, that's what I meant, just
9 something to do with that complaint?

10 A. Yes.

11 Q. I didn't mean that --

12 A. Yes. But I just wanted to be able to
13 elaborate and lay everything for you.

14 Q. Well, what evidence do you have that
15 being nonrenewed at Southlawn, and then
16 these issues about being hired back
17 later, what evidence do you have that
18 that had anything to do with your
19 mother?

20 MR. PATTY: Object to the
21 form.

22 Go ahead and
23 answer.

1 interviews, and because of a statement
2 Ms. Hicks made about my initial
3 interview with her, that I was very
4 belligerently arrogant, I took over the
5 interview, and he's just like his
6 mother, and nobody's going to hire him.
7 That is my reason for feeling that that
8 particular job with Ms. Sexton, that she
9 was influenced.

10 Q. I gotcha.

11 A. Ms. Sexton later communicated to me,
12 Melvin, what happened? I thought you
13 wanted to come to Vaughn Road with me.

14 Q. When did Ms. Hicks tell somebody that
15 you were arrogant, took over the
16 interview, and just like your mother?

17 A. She made that statement to one of the
18 secretaries in Human Resources, who
19 relayed that message to my mother.

20 Q. And who's that secretary?

21 A. The secretary that relayed it to my
22 mother was Ms. Bessie Townsend
23 (phonetic).

1 Q. Betsy?

2 A. Bessie Townsend.

3 Q. And she told your mother, who told you?

4 A. That Ms. Patricia Holden (phonetic) said
5 that that's what Carolyn Hicks stated.

6 MR. PATTY: It's . . .

7 MRS. CARTER: I know. I
8 just realized I skipped
9 a step.

10 BY MRS. CARTER:

11 Q. Okay. Bessie Townsend told your mother
12 that Pat . . .

13 A. Stated that Ms. Hicks stated that I was
14 belligerently arrogant during the
15 interview, that I took over the
16 interview, and that's why nobody is
17 going to hire him, because he's just
18 like his mother.

19 Q. Okay. And what evidence do you have
20 that that comment had to do with your
21 mom filing a claim?

22 MR. PATTY: Object to the
23 form.

Go ahead.

1
2 A. Well, she hadn't murdered or killed
3 anybody, so I mean, why would she keep
4 making mention of something, quote, just
5 like her. I mean, is that in a negative
6 manner, positive manner? But when you
7 constantly repeat it over and over,
8 negative connotations kind of tend to
9 cap it.

10 Q. Okay. The next one is Tina Minott, and
11 you were actually hired by Tina Minott?

12 A. Yes.

13 Q. The next one is Bullock County, so I
14 guess now we've skipped forward to the
15 Summer of '02?

16 A. Yes.

17 Q. And Julius Thomas was the principal,
18 Keith Stewart, the superintendent, Lee
19 Ballard, the assistant superintendent,
20 and Saint T. Thomas, the superintendent,
21 and then Ms. Octavia Miles. When you
22 refer to all of those people, you're
23 talking about the one job you got,

1 Q. Okay. Tell me, do you know whether or
2 not all applicants received an interview
3 for those jobs?

4 A. Well, I have no way of knowing that.

5 Q. So you don't know who out of the
6 applicant pool was interviewed for those
7 positions?

8 A. No, I don't.

9 Q. Okay. What evidence do you have that
10 you weren't interviewed for those
11 positions based on your race?

12 MR. PATTY: Object to the
13 form.

14 A. Again, this is showing a series of
15 events leading to the last couple of
16 incidents that were very -- that were
17 more vivid than these.

18 Q. Okay. And that's fine. And we'll get
19 there, but I have to --

20 A. Okay. I understand.

21 Q. Your attorney will explain to you. I
22 have to trudge through it.

23 What evidence do you have that

1 you didn't get either one of those jobs
2 or get interviewed for those jobs
3 because of your race?

4 MR. PATTY: Object to the
5 form.

6 A. Well, it kind of stopped with me not
7 even getting an interview.

8 Q. That's what I said, that you weren't
9 interviewed for those jobs because of
10 your race?

11 MR. PATTY: Object to the
12 form.

13 Q. What evidence do you have?

14 A. I'm not even clear on -- what evidence
15 do I have? I don't have any. I'm just
16 showing a frequency of the events that
17 lead up to the current events.

18 Q. Okay. Do you know who was awarded the
19 job that you wanted at Crump Elementary?

20 A. I would have to go back through
21 personnel minutes to see who was
22 afforded that job.

23 Q. So sitting here today, you don't know

1 who got that job?

2 A. I couldn't call all of these off the top
3 of my head.

4 Q. So do you know, sitting here today, what
5 the qualifications were of that person?

6 A. Not off the top -- that's privileged
7 information. I wouldn't have that.

8 Q. Do you know what the race or the sex was
9 of that person?

10 A. Not without looking at the personnel
11 minutes.

12 Q. All right. What about at Brewbaker
13 Junior High School, who got that job?

14 A. I'm not sure. I would have to look at
15 the personnel minutes.

16 Q. So sitting here today then, do you
17 maintain that you were more qualified
18 than either of those two individuals?

19 A. In some instances, I probably would have
20 been.

21 Q. Okay. And I understand that. But do
22 you maintain or can you tell us here
23 today that you were more qualified than

1 those two individuals?

2 A. I would have to know who those persons
3 were and then rank their qualifications
4 to mine.

5 Q. Well, when you sent this letter on
6 August 2nd saying that you had been --
7 that you were a victim, or you don't use
8 the word "victim," but the
9 discriminatory practice of racial and
10 gender discrimination, what jobs on this
11 document were you referring to?

12 A. We can go through a series of them.
13 When I sent this in, I either
14 had already reviewed or had reviewed the
15 personnel report to see if it
16 was either -- I can almost tell you
17 there were not that many black men, and
18 there probably were not that many black
19 women. And the documents will prove it.
20 If we go back to the personnel report --

21 Q. When you say "not that many" -- I
22 apologize, I'm not sure what -- not that
23 many meaning in reference to the jobs

1 that are on here?

2 A. When you look on here, the ones that I
3 did list who -- you know, the white
4 female or white person received that
5 job, just rule out there was a white
6 person, it wasn't a black one. It was a
7 white female. It wasn't a black female.

8 Q. Well, do you feel like that if it was a
9 white person, that that means you
10 automatically were discriminated against
11 based on your race?

12 A. No, I'm not. That would be a factor.
13 If I was, that would be an additional
14 factor.

15 Q. The September 1st, 2003, it says you
16 applied for Educational Specialist,
17 Educational Technology Professional
18 Development Program Coordinator, in
19 Title I School-wide Instructional
20 Assistant position. Did you group those
21 together because they're similar in --
22 and excuse my ignorance -- but like
23 they're similar in type or . . .

1 A. They were -- and if I stand corrected, I
2 think they were advertised at the same
3 time.

4 Q. Okay. Oh, for that date. I gotcha.
5 And you were not granted an interview
6 for any of those positions?

7 A. No, I wasn't.

8 Q. Is it your testimony that you had the
9 qualifications and certifications to
10 fill any of those positions?

11 A. Yes, it is.

12 Q. Okay. Do you know, sitting here today,
13 who was awarded those positions?

14 A. I would have to look at the personnel
15 minutes. Because if you look at the
16 year on here -- I would have to go back
17 and look at the personnel minutes. But
18 whatever I was looking at when I wrote
19 this, it was substantial enough for me
20 to be able to validate this.

21 Q. Well, let me ask you this: Were there
22 any jobs that you applied for that
23 summer that you didn't include in this